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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,302	07/09/2003	Masahiko Kubota	03500.017375.	7090
5514	7590	02/10/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHU, JOHN S Y	
		ART UNIT		PAPER NUMBER
		1752		

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/615,302	KUBOTA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John S. Chu	1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 01 November 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-12, 17-32 and 37-40 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13-16 and 33-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/18/03, 2/18/04</u> .  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

This Office action is in response to the election received November 1, 2004.

1. Applicant's election without traverse of Group II, claims 13-16 and 33-36 in the reply filed on November 1, 2004 is acknowledged.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13-16 and 33-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the current claims, the elected claims are dependent on non-elected claims. The claimed scope is unclear with respect to only the language of the elected claims. Correction is necessary to merge the non-elected claims with the elected claims and have a fully recited claim that particular points out the subject matter desired.

Secondly, claims 14-16 and 34-36 recite the limitation "the developing solution of the first positive photosensitive material..." in the method claims. There is insufficient antecedent basis for this limitation in the claim, because no wherein in claims 13 or 33 is there a disclosure for a developing solution on which claims 14-16 and 34-36 can depend.

Correction is necessary to have proper antecedent basis for the developing solution.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. NGO et al is cited to disclose a two layer resist process using a copolymer. No ternary copolymer is disclosed.

Art Unit: 1752

GEISSLER et al disclose a terpolymer or ternary copolymer, however lacks the claimed method of making a liquid discharge head.

KUBOTA et al (2003/0070643) assigned to Canon Kabushiki Kaisha discloses a method of making a ink discharge head, however the references lacks a ternary copolymer as currently claimed for making a pattern used in making the liquid channel structure. A copolymer of methyl methacrylate/methacrylic acid is disclosed, however no third monomer group which affects the sensitivity region by expanding the range is claimed.

OHKUMA (6,766,579), assigned to Canon Kabushiki Kaisha discloses a method of making an ink discharge head, however lacks the claimed ternary copolymer in the process of making the patterned liquid channel structure.

MIYAGAWA et al (2003/0011655), also assigned to Canon Kabushiki Kaisha disclose a method of making a ink discharge head, however the references lacks a ternary copolymer as currently claimed for making a pattern used in making the liquid channel structure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

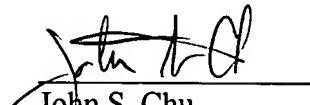
The fax phone number for the USPTO is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 1752

applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John S. Chu

Primary Examiner, Group 1700

J.Chu  
February 5, 2005